IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Hastimal Vs. State of Rajasthan & Ors.

S.B.CIVIL WRIT PETITION NO.4946/2005

DATE OF ORDER :: May 03, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.R.R.Vyas, for the petitioner.

Mr.S.K.Vyas, for the respondents.

BY THE COURT:

I have heard learned counsel for the parties.

It is submitted by the learned counsel for the petitioner that on abolition of the octroi with the various Municipalities of the State, certain employees, who were engaged with the octroi and declared surplus, were directed to be absorbed either in the Municipalities itself and if the post is not available with the Municipalities, then they be absorbed as Gram Sewak-cum-Ex-officio Secretary to the various Panchayat Samities. Accordingly,

the employees of the Municipalities, who were engaged with the octroi system of the Municipalities, were declared surplus and on the basis of secondment, absorbed by the Gram Panchayats of the Panchayti Raj Department. The petitioner was also declared surplus and by order dt. 25.10.1999, he was transferred to Panchayat Samiti, Gangrar till further orders. Thereafter, the petitioner served with the Panchayat Samiti, Gangrar as a Gram Sewak-cum-Ex-officio Secretary.

Learned counsel for the parties submit that a similar controversy came to be considered by this Court in a bunch of writ petition being S.B.Civil Writ Petition No.4574/1999 (Chungi Karchari Sangh vs. State of Rajasthan & Ors.) and 14 others decided on 26.4.2001 and, therefore, this writ petition may also be disposed of in terms of the order passed in Chungi Karmchari Sangh vs. State of Rajasthan & Ors. (supra). Learned counsel appearing for the respondent Municipalities does not dispute this proposition.

In this view of the matter, the writ petition can be disposed of permitting the petitioner to make a detailed representation to the respondents to consider his case in terms of the decision of this Court in S.B.Civil Writ Petition No.4574/1999 (Chungi Karmchari Sangh vs. State of Rajasthan & Ors.) (supra) decided

on 26.4.2001 and if such a representation is made, the respondents shall consider and decide the same in accordance with law within three months therefrom.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-